



Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 7/16/2002

GAIN Report #CH2032

China, People's Republic of

Food and Agricultural Import Regulations and Standards

Admin Measures for Wholesome Agricultural Production

2002

Approved by:

Larry M. Senger

U.S. Embassy

Prepared by:

Ralph Gifford, Wu BuGang, Adam Branson

Report Highlights:

This is an UNOFFICIAL English translation of the People's Republic of China Administrative Measures for Wholesome Agricultural Production and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulation is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1], CH

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

The following is Decree No. 12 of the Ministry of Agriculture (MOA) and the State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ). These "Administrative Measures on Wholesome Ag Products" were reviewed by the 7th Director's Meeting for the Certification and Accreditation Administration of PR China (CNCA) on January 30, 2002. These measures were reviewed and approved by the 5th Session of the Standing Committee of MOA on April 3, 2002. These measures were reviewed and approved by the 27th Director's Working Meeting of AQSIQ on April 11, 2002. These measures are published and shall take effect upon issuance. These measures were issued on April 29, 2002 after a joint signing by the MOA Minister and AQSIQ Director.

These are voluntary measures that apply to the domestic production of "Wholesome Agricultural Products." The measures provide guidelines in determining production management, certification and testing of products and production areas, "wholesome" product labeling, and monitoring management or enforcement of these administrative measures. These voluntary measures differ from "Organic" and "Green Food" (see CH 1072 and CH1059) standards. "Green Food" and "Organic" standards are considered more stringent labels than "Wholesome." The purpose for all three measures and standards is to regulate or reduce agro-chemical inputs, such as pesticides and fertilizers.

The Administrative Measures on Wholesome Ag Products

Chapter I. General Provisions

Article 1. These measures are established to strengthen the management of wholesome ag products, safeguard consumers' rights and interests, improve ag product quality, protect the ag ecological environment, and facilitate sustainable development of agriculture.

Article 2. "Wholesome ag products" mentioned in these measures refer to unprocessed or initial-processed edible ag products from which the product origin environment, production process, and product quality comply with the requirements of the relevant national standards and norms, and have been certified and allowed to be labeled as a wholesome ag products.

Article 3. The government shall facilitate the administration of wholesome ag products by adopting an origin accreditation and product certification model.

Article 4. These measures apply to such activities within the territories of the People's Republic of China as wholesome ag product production, origin accreditation, product certification, and monitoring management.

Article 5. The national administration and quality supervision of wholesome ag products will be jointly carried out by MOH, AQSIQ, and CNCA with shared responsibilities, based on their functions and the State Council related stipulations.

Article 6. The ag administrative authorities and quality inspection and quarantine departments at all levels should support the development of wholesome ag products in terms of policy, capital, technology, and facilitate research, development, and promotion of new technologies for wholesome ag products.

Article 7. The government encourages applications by production units or individuals for origin accreditation and product certification.

MOA and CNCA shall jointly determine and adjust the product scope of the certification for wholesome ag products.

Article 8. The government will launch a mandatory certification system for wholesome ag products at an appropriate time.

Chapter II. Origin Conditions and Production Management

Article 9. The origin of a wholesome ag product shall meet the following requirements:

- 1). The origin environment shall comply with the requirements for the wholesome ag product.
- 2). An explicit definition of its geographic scope
- 3). A certain level of production scale

Article 10. The production management of wholesome ag products shall comply with the following requirements:

- 1). The production process complies with the technical standards for that of wholesome ag products;
- 2). Equipped with corresponding professional/technical and management personnel;
- 3). Furnished with perfect quality control measures and keep complete records of production and sales.

Article 11. Units or individuals engaging in production of wholesome ag products shall strictly observe the regulations with regard to the use of ag input materials. No banned or eliminated ag input materials shall be applied..

Article 12. A sign board should be erected in the origin of a wholesome ag product area, indicating its scope, varieties, and the responsible person.

Chapter III. Origin Accreditation

Article 13. The ag administrative department at the provincial level shall be responsible for implementing the accreditation of wholesome ag products within its jurisdiction based on these measures.

Article 14. A unit or individual applying for origin accreditation (hereinafter referred to as applicant) should submit the application in writing to the ag administrative department at the county level. The following materials shall be included in the written application:

- 1). Name (title), address, and telephone number of the applicant
- 2). Geographic scope and production scale of origin
- 3). Production plan of a wholesome ag product

- 4). Description of origin environment
- 5). Quality control measures
- 6). Qualification certificates for relevant professional and management personnel
- 7). Declaration of assurances on implementing the standards and norms for wholesome ag products
- 8). Other related materials

Article 15. The ag administrative department at the county level shall finish the primary review within 10 work days following receipt of the application.

A written notification should be issued if the applicant fails the application.

Article 16. Once having passed the primary review for an application, the ag administrative department at the county level should report to the ag administrative department at the provincial level in due course, together with its opinions and the application materials.

Article 17. The ag administrative department at the provincial level should finish the review within 10 working days following receipt of the opinions and relevant materials. If the application is in compliance, the authorities should arrange site inspections in terms of origin environment, geographic scope, production scale, quality control measures, and production plan.

A written notification should be issued if the applicant fails the site inspections.

Article 18. Upon passing the site inspections, the applicant should be informed in writing to entrust a qualified testing agency to conduct tests on the origin environment.

The agency undertaking the origin environment tests should produce an origin environment report based on the testing results.

Article 19. After the application has successfully gone through document review, site inspections, and origin environment tests, the ag administrative department at the provincial level should issue a certificate of origin accreditation of the wholesome ag product and report to MOA and CNCA for record within 30 days following receipt of site inspection report and origin environment testing report.

A written notification should be issued if the application is not in compliance.

Article 20. A certificate of origin accreditation of the wholesome ag product is valid for three years. In case of a renewal, the application for origin accreditation of wholesome ag product shall be re-processed 90 days before the certificate expires.

Chapter IV. Certification of Wholesome Ag Products

Article 21. A certification agency engaging in wholesome ag product certification may perform such functions only after it has been reviewed and approved by CNCA, and its qualifications have been endorsed by a CNCA authorized agency.

Article 22. A unit or individual applying for a certificate for a wholesome ag product (hereinafter referred to as applicant) shall submit an application in writing to a certification agency. The application should contain the following:

- 1). The name (title), address, and telephone number of the applicant
- 2). Product variety, geographic scope of origin, and production scale

- 3). Production plan of the wholesome ag product
- 4). Description of origin environment
- 5). Quality control measures on the wholesome ag product
- 6). Qualification certificates of relevant professional and management personnel
- 7). Declaration of assurances on implementing the standards and norms of wholesome ag products
- 8). A certificate of origin accreditation of the wholesome ag product
- 9). Records of production process
- 10). Other documents requested by the certification agency

Article 23. The certification agency should finish the review of the application materials within 15 days following receipt of the application for a wholesome ag product certificate.

In cases when materials do not meet the requirements, a written notification should be issued.

Article 24. If the materials comply with the requirements, the certification agency should, if necessary, send personnel to conduct site inspections in terms of origin environment, geographic scope, production scale, quality control measures, production plan, and implementation of standards and norms.

A written notification will be issued to the applicant should the site inspections fail.

Article 25. If the materials comply with the requirements, or the materials and site inspections, if any, comply with the requirements, the certification agency should notify the applicant to entrust a qualified testing agency to conduct tests on the product. The testing agency undertaking the product tests should produce a test report based on the testing results.

Article 26. If the application has successfully passed material review, site inspections (if any), and product tests, the certification agency should issue a wholesome ag product certificate to the applicant within 30 work days following receipt of the site inspection report and product test report.

A written notification should be issued if the application fails.

Article 27. The certification agency should send a copy of the wholesome ag product certificate to both MOA and CNCA for record within 30 days following the issuance of the certificate which will be published by MOA and CNCA.

Article 28. A wholesome ag product certificate is valid for three years. In case of a renewal, the application will be re-processed 90 days before the certificate expires.

In case of production of varieties other than a valid wholesome ag product certificate stipulates, an application for modification of the certificate shall be submitted to the issuing certification agency.

Article 29. The formats of origin accreditation of wholesome ag product and product certificate shall be determined by MOA and CNCA.

Chapter V. Labeling Administration

Article 30. MOA and CNCA shall draft and publish *the Administrative Measures for Wholesome Ag Product Labeling*.

Article 31. Wholesome ag product labeling shall be applied within the scope of the certified varieties and

quantity.

Article 32. The unit or individual who has obtained a wholesome ag product certificate may use the wholesome ag product labeling on the product, packaging, tag, advertisement, and instruction.

Chapter VI. Monitoring Management

Article 33. MOA, AQSIQ, CNCA, and relevant departments at the State Council shall, based on their functional duties, be responsible for the production, marketing, and use of labeling of wholesome ag products.

- 1). Review, or require production and marketing operations to provide, relevant documents;
- 2). Monitor the origin accreditation process of wholesome ag products;
- 3). Monitor the certification process by a certification agency;
- 4). Conduct inspections on testing agencies undertaking wholesome ag product tests;
- 5). Conduct inspections, tests, and appraisals on products wearing wholesome ag product labels;
- 6). Conduct inspections on operating venues of wholesome ag products if necessary.

Article 34. The certification agency should keep track on and inspect the certified products, and handle related complaints and appeals.

Article 35. It is illegal for any unit or individual to counterfeit, falsify, transfer, purchase or sell the certificate of origin accreditation, product certificate, or label of a wholesome ag product.

Chapter VII. Punitive Provisions

Article 36. A violation, of the following, by a unit or individual who has obtained the certificate of origin accreditation of a wholesome ag product, shall be warned and ordered to implement corrective action within a certain period of time by the ag administrative department at the provincial level; the certificate will be revoked if the violator fails to take corrective action within the time frame:

- 1). The origin of a wholesome ag product has been contaminated or its environment does not meet the standards;
- 2). The ag input materials used in the origin of a wholesome ag product do not comply with the standards relevant to wholesome ag products;
- 3). Increase without authorization the geographic scope of the origin of a wholesome ag product.

Article 37. A violator of Article 35 of these measures shall be ordered a halt his actions by an ag administrative department at the county level or by local quality supervision, inspection, and quarantine departments. He will have to pay a fine of 1-3 times the illicit earnings with a ceiling of 30,000 yuan, or be fined up to 10,000 yuan if there are no illicit earnings.

Article 38. In the event that a certified and labeled wholesome ag product fails to be consistent with the quality standards in the course of inspections, tests, and appraisals, the ag administrative department at the county level or local quality supervision, inspection, and quarantine departments shall order a halt to using the label, and the certification agency shall suspend or revoke the certificate.

Article 39. In case a person responsible for the management of wholesome ag products has been found to be abusing the position, be derelict of duty, or be corrupt, he shall be punished through disciplinary sanctions by his

employer or administrative department at a higher level, or be subject to criminal charges if the act constitutes a crime.

Chapter VIII. Supplementary Provisions

Article 40. No fees should be collected by the departments or agencies responsible for origin accreditation and product certification of wholesome ag products. The fee collection for tests by testing agencies and labeling of wholesome ag products shall be based on state stipulations.

Article 41. MOA and CNCA shall be responsible for the interpretation of these measures.

Article 42. These measures come into effect upon publication. (April 29, 2002)